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with their primary postal responsibility in an emergency.

(5) Authorize and encourage their employees to participate voluntarily in nonpostal pre-emergency training programs and exercises in cooperation with States and localities.

(39 U.S.C. 401(2), 402, 403, 404, as enacted by Pub. L. 91-375, 84 Stat. 719)

[38 FR 26193, Sept. 9, 1973]

Post Office Organization and Administration

PART 241—ESTABLISHMENT CLASSIFICATION, AND DISCONTINUANCE

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§ 241.1 Post offices.

(a) *Establishment.* See § 113.1 of this chapter.

(b) *Classification.* As of July 1 each year, post offices are classified by the Postmaster General based on the allowable postal revenue units for the second preceding fiscal year as follows:

(1) *First Class.* Post offices having 950 or more revenue units.

(2) *Second Class.* Post offices having 190 but less than 950 revenue units.

(3) *Third Class.* Post offices having 36 but less than 190 revenue units.

(4) *Fourth Class.* Post offices having less than 36 revenue units.

(39 U.S.C. 401)

[36 FR 4764, Mar. 12, 1971, as amended at 42 FR 59082, Nov. 15, 1977]

§ 241.2 Stations and branches.

(a) *Description.* (1) Stations are established within the corporate limits or boundary, and branches are established outside the corporate limits or boundary of the city, town, or village in which the main post office is located. Stations and branches may be designated by number, letter or name. As a general rule, branches are named.

(2) Stations and branches transact registry and money order business, sell

postage supplies, and accept matter for mailing. Delivery service, post office boxes, and other services may be provided when directed by the postmaster.

(3) Stations and branches, except nonpersonnel rural stations and branches, are designated as independent when registered and other mail is received or dispatched without passing through the main office.

(b) *Classification*—(1) *Classified.* Operated by postal employees in quarters provided by the Federal Government.

(2) *Contract.* Operated under contract by persons who are not Federal Government employees. Persons operating contract stations and branches are independent contractors and neither the contractors nor any person employed by them to assist in the conduct of contract stations or branches shall be employees of the Federal Government for any purpose whatsoever.

(39 U.S.C. 401)

[36 FR 4764, Mar. 12, 1971]

§ 241.3 Discontinuance of post offices.

(a) *Introduction*—(1) *Coverage.* This section establishes the rules governing the Postal Service's consideration of whether an existing post office should be discontinued. The rules cover any proposal to replace a post office with a community post office, station or branch, consolidation with another post office, and any proposal to discontinue a post office without providing a replacement facility.

(2) *Legal requirements.* Under 39 U.S.C. 404(b), any decision to close or consolidate a post office must be based on certain criteria. These include the effect on the community served; the effect on employees of the post office; compliance with government policy established by law that the Postal Service must provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining; the economic savings to the Postal Service; and any other factors the Postal Service determines necessary. In addition, certain mandatory procedures apply as follows:

(i) The public must be given 60 days' notice of a proposed action to enable the persons served by a post office to

evaluate the proposal and provide comments.

(ii) After public comments are received and taken into account, any final determination to close or consolidate a post office must be made in writing and must include findings covering all the required considerations.

(iii) The written determination must be made available to persons served by the post office at least 60 days before the discontinuance takes effect.

(iv) Within the first 30 days after the written determination is made available, any person regularly served by

the affected post office may appeal the decision to the Postal Rate Commission.

(v) The Commission may only affirm the Postal Service determination or return the matter for further consideration but may not modify the determination.

(vi) The Commission is required by 39 U.S.C. 404(b)(5) to make a determination on the appeal no later than 120 days after receiving the appeal.

(vii) The following is a summary table of the notice and appeal periods under the statute for these regulations.

Public Notice of Proposal

60-day
comment period

As long as needed
for consideration of
comments and internal
review

Public Notice of Final Decision

30 days
for filing any
appeal

At least
60-day wait
before closing
post office

120 days
for appeal
consideration
and decision

(3) *Additional requirements.* This section also includes:

(i) Rules to ensure that the community's identity as a postal address is preserved.

(ii) Rules for consideration of a proposed discontinuance and for its implementation, if approved. These rules are designed to ensure that the reasons leading a district manager, Customer

Service and Sales, to propose the discontinuance of a particular post office are fully articulated and disclosed at a stage that enables customer participation to make a helpful contribution toward the final decision.

(b) *Preservation of community address—*

(1) *Policy.* The Postal Service permits the use of a community's separate address to the extent practicable.

(2) *ZIP Code assignment.* The ZIP Code for each address formerly served from the discontinued post office should be the ZIP Code of the facility providing replacement service to that address. In some cases, the ZIP Code originally assigned to the discontinued post office may be kept, if the responsible district manager, Customer Service and Sales, submits a request with justification to Address Management, Postal Service Headquarters, before the proposal to discontinue the post office is posted.

(i) In a consolidation, the ZIP Code for the replacement community post office, station, or branch is either (A) the ZIP Code originally assigned to the discontinued post office, or (B) the ZIP Code of the replacement facility's parent post office, whichever provides the most expeditious distribution and delivery of mail addressed to the customers of the replacement facility.

(ii) If the ZIP Code is changed and the parent post office covers several ZIP Codes, the ZIP Code must be that of the delivery area within which the facility is located.

(3) *Post office name in address.* If all the delivery addresses using the name of the post office to be discontinued are assigned the same ZIP Code, customers may continue to use the discontinued post office name in their addresses, instead of the new delivering post office name.

(4) *Name of facility established by consolidation.* If a post office to be discontinued is consolidated with one or more other post offices by establishing in its place a community post office, classified or contract station, or branch affiliated with another post office involved in the consolidation, the replacement unit is given the same name of the discontinued post office.

(5) *List of discontinued post offices.* Publication 65, National Five-Digit ZIP Code and Post Office Directory, lists

all post offices discontinued after March 14, 1977, for mailing address purposes only if they are used in addresses. The ZIP Codes listed for discontinued offices are those assigned under this subsection.

(c) *Initial proposal—*(1) *In general.* If a district manager, Customer Service and Sales, believes that the discontinuance of a post office within his or her responsibility may be warranted, the manager:

(i) Must use the standards and procedures in §241.3 (c) and (d).

(ii) Must investigate the situation.

(iii) May propose the post office be discontinued.

(2) *Consolidation.* The proposed action may include a consolidation of post offices to substitute a community post office or a classified or contract station or branch for the discontinued post office if:

(i) The communities served by two or more post offices are being merged into a single incorporated village, town, or city; or

(ii) A replacement facility is necessary for regular and effective service to the area served by the post office considered for discontinuance.

(3) *Views of postmasters.* Whether the discontinuance under consideration involves a consolidation or not, the district manager, Customer Service and Sales, must discuss the matter with the postmaster (or the officer in charge) of the post office considered for discontinuance, and with the postmaster of any other post office affected by the change. The manager should make sure that these officials submit written comments and suggestions as part of the record when the proposal is reviewed.

(4) *Preparation of written proposal.* The district manager, Customer Service and Sales, must gather and preserve for the record all documentation used to assess the proposed change. If the manager thinks the proposed action is warranted, he or she must prepare a document titled "Proposal to (Close) (Consolidate) the (Name) Post Office." This document must describe, analyze, and justify in sufficient detail to Postal Service management and affected customers the proposed service change. The written proposal must address

each of the following matters in separate sections:

(i) *Responsiveness to community postal needs.* It is the policy of the Government, as established by law, that the Postal Service will provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining. The proposal should (A) contrast the services available before and after the proposed change; (B) describe how the changes respond to the postal needs of the affected customers; and (C) highlight particular aspects of customer service that might be less advantageous as well as more advantageous.

(ii) *Effect on community.* The proposal must include an analysis of the effect the proposed discontinuance might have on the community served, and discuss the application of the requirements in § 241.3(b).

(iii) *Effect on employees.* The written proposal must summarize the possible effects of the change on the postmaster, supervisors, and other employees of the post office considered for discontinuance. (The district manager, Customer Service and Sales, must suggest measures to comply with personnel regulations related to post office discontinuance and consolidation.)

(iv) *Savings.* The proposal must include an analysis of the economic savings to the Postal Service from the proposed action, including the cost or savings expected from each major factor contributing to the overall estimate.

(v) *Other factors.* The proposal should include an analysis of other factors that the district manager, Customer Service and Sales, determines are necessary for a complete evaluation of the proposed change, whether favorable or unfavorable.

(vi) *Summary.* The proposal must include a summary that explains why the

proposed action is necessary, and assesses how the factors supporting the proposed change outweigh any negative factors. In taking competing considerations into account, the need to provide regular and effective service is paramount.

(vii) *Notice.* The proposal must include the following notice: “This Is A Proposal. It Is Not A Final Determination To (Close) (Consolidate) This Post Office.”

(A) If a final determination is made to close or consolidate this post office, after public comments on this proposal are received and taken into account, a notice of that final determination must be posted in this post office.

(B) The final determination must contain instructions on how affected customers may appeal that decision to the Postal Rate Commission. Any such appeal must be received by the Commission within 30 days of the posting of the final determination.

(d) *Notice, public comment, and record—(1) Posting proposal and comment notice.* A copy of the written proposal and a signed invitation for comments must be posted prominently in each affected post office. The invitation for comments must:

(i) Ask interested persons to provide written comments within 60 days, to a stated address, offering specific opinions and information, favorable or unfavorable, on the potential effect of the proposed change on postal services and the community.

(ii) State that copies of the proposal with attached optional comment forms are available in the affected post offices.

(iii) Provide a name and telephone number to call for information.

(2) *Proposal and comment notice.* The following is a sample format that may be used for the proposal and comment notice.

UNITED STATES POSTAL SERVICE Proposal to (Close)(Consolidate) the (Name) Post Office and Optional Comment Form		
<p>Attached is a proposal that we are considering to attempt to provide your community's postal service more economically and efficiently, while also providing regular and effective service. Please read the proposal carefully and then let us have your comments and suggestions. If you choose, you may use the form provided below. Your comments will be carefully considered and will be made part of a public record. If you use the form provided below and need additional room, please attach additional sheets of paper. Return the completed form to _____ by _____.</p> <p>In considering this proposal, if you have any questions you want to ask a postal official, you may call _____ whose telephone number is _____.</p> <p>I. Effect on Your Postal Services Please describe any favorable or unfavorable effects that you believe the proposal would have on the regularity or effectiveness of your postal service.</p> <hr/> <hr/> <hr/> <hr/> <hr/>		
<p>II. Effect on Your Community Please describe any favorable or unfavorable effects that you believe the proposal would have on your community.</p> <hr/> <hr/> <hr/> <hr/> <hr/>		
<p>III. Other Comments Please provide any other view or information that you believe the USPS should consider in deciding whether to adopt the proposal.</p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>		
(Signature of Postal Customer) _____		(Date) _____
(Mailing Address) _____		
(City) _____	(State) _____	(ZIP Code) _____

(3) *Other steps.* In addition to providing notice and inviting comment, the district manager, Customer Service and Sales, must take any other steps necessary to ensure that the persons served by the affected post office understand the nature and implications of the proposed action (e.g., meeting with community groups and following up on comments received that seem to be based on incorrect assumptions or information).

(i) If oral contacts develop views or information not previously documented, whether favorable or unfavorable to the proposal, the district manager, Customer Service and Sales, should encourage persons offering the views or information to provide written comments to preserve them for the record.

(ii) As a factor in making his or her decision, the district manager, Customer Service and Sales, may not rely

on communications received from anyone unless submitted in writing for the record.

(4) *Record.* The district manager, Customer Service and Sales, must keep as part of the record for his or her consideration and for review by the chief marketing officer/senior vice president all the documentation gathered about the proposed change.

(i) The record must include all information that the district manager, Customer Service and Sales, considered, and the decision must stand on the record. No information or views submitted by customers may be excluded.

(ii) The docket number assigned to the proposal must be the ZIP Code of the office proposed for closing or consolidation.

(iii) The record must include a chronological index in which each document contained is identified and numbered as filed.

(iv) As written communications are received in response to the public notice and invitation for comments, they are included in the record.

(v) A complete copy of the record must be available for public inspection during normal office hours at the post office proposed for discontinuance or at the post office providing alternative service, if the office to be discontinued was temporarily suspended, beginning no later than the date on which notice is posted and extending through the comment period.

(vi) Copies of documents in the record (except the proposal and comment form) are provided on request and on payment of fees as noted in the Administrative Support Manual (ASM) §352.6.

(e) *Consideration of public comments and final local recommendation—(1) Analysis of comments.* After waiting not less than 60 days after notice is posted under §241.3(d)(1) the district manager, Customer Service and Sales, must prepare an analysis of the public comments received for consideration and inclusion in the record. If possible, comments subsequently received should also be included in the analysis. The analysis should list and briefly describe each point favorable to the proposal and each point unfavorable to the proposal. The analysis should identify

to the extent possible how many comments support each point listed.

(2) *Re-evaluation of proposal.* After completing the analysis, the district manager, Customer Service and Sales, must review the proposal and re-evaluate all the tentative conclusions previously made in light of additional customer information and views in the record.

(i) *Discontinuance not warranted.* If the district manager, Customer Service and Sales, decides against the proposed discontinuance, he or she must post, in the post office considered for discontinuance, a notice stating that the proposed closing or consolidation is not warranted.

(ii) *Discontinuance warranted.* If the district manager, Customer Service and Sales, decides that the proposed discontinuance is justified, the appropriate sections of the proposal must be revised, taking into account the comments received from the public. After making necessary revisions, the manager must:

(A) Forward the revised proposal and the entire record to the chief marketing officer/senior vice president for final review.

(B) Attach a certificate that all documents in the record are originals or true and correct copies.

(f) *Postal Service decision—(1) In general.* The chief marketing officer/senior vice president or a designee must review the proposal of the district manager, Customer Service and Sales. This review and the decision on the proposal must be based on and supported by the record developed by the district manager, Customer Service and Sales. The chief marketing officer/senior vice president can instruct the district manager to provide more information to supplement the record. Each such instruction and the response must be added to the record. The decision on the proposal of the district manager, which must also be added to the record, may approve or disapprove the proposal, or return it for further action as set forth below.

(2) *Approval.* The chief marketing officer/senior vice president or a designee may approve the proposal of the district manager, Customer Service and

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Sales, with or without further revisions. If approved, the term “Final Determination” is substituted for “Proposal” in the title. A copy of the Final Determination must be provided to the district manager. The Final Determination constitutes the Postal Service determination for the purposes of 39 U.S.C. 404(b). The Final Determination must include the following notices:

(i) *Supporting materials.* “Copies of all materials on which this Final Determination is based are available for public inspection at the (Name) Post Office during normal office hours.”

(ii) *Appeal rights.* “This Final Determination to (close) (consolidate) the (name) Post Office may be appealed by any person served by that office to the Postal Rate Commission. Any appeal must be received by the Commission within 30 days of the date this Final Determination was posted. If an appeal is filed, copies of appeal documents prepared by the Postal Rate Commission, or the parties to the appeal, must be made available for public inspection at the (name) Post Office during normal office hours.”

(3) *Disapproval.* The chief marketing officer/senior vice president or a designee may disapprove the proposal of the district manager, Customer Service and Sales, and return it and the record to the manager with written reasons for disapproval. The manager must post a notice in each affected post office that the proposed closing or consolidation has been determined to be unwarranted.

(4) *Return for further action.* The chief marketing officer/senior vice president or a designee may return the proposal of the district manager, Customer Service and Sales, with written instructions to give additional consideration to matters in the record, or to obtain additional information. Such instructions must be placed in the record.

(5) *Public file.* Copies of each Final Determination and each disapproval of a proposal by the chief marketing officer/senior vice president, must be placed on file in the Postal Service Headquarters Library.

(g) *Implementation of final determination—(1) Notice of final determination to discontinue post office.* The district

manager, Customer Service and Sales, must:

(i) Provide notice of the Final Determination by posting a copy prominently in the affected post office or offices. The date of posting must be noted on the first page of the posted copy as follows:

“Date of posting:”

The district manager, Customer Service and Sales, must notify the chief marketing officer/senior vice president in writing of the date of posting.

(ii) Ensure that a copy of the completed record is available for public inspection during normal business hours at each post office where the Final Determination is posted for 30 days from the posting date.

(iii) Provide copies of documents in the record on request and payment of fees as noted in the ASM 352.6.

(2) *Implementation of determinations not appealed.* If no appeal is filed pursuant to 39 U.S.C. 404(b)(5), the official closing date of the office must be published in the Postal Bulletin, effective the first Saturday 90 days after the Final Determination was posted. A district manager, Customer Service and Sales, may request a different date for official discontinuance in the Post Office Change Announcement document submitted to the chief marketing officer/senior vice president. However, the post office may not be discontinued sooner than 60 days after the posting of the notice required by §241.3(g)(1).

(3) *Actions during appeal—(i) Implementation of discontinuance.* If an appeal is filed, only the chief marketing officer/senior vice president may direct a discontinuance before disposition of the appeal. However, the post office may not be discontinued sooner than 60 days after the posting of notice required by §241.3(g)(1).

(ii) *Display of appeal documents.* Classification and Customer Service, Postal Service General Counsel, must provide the district manager, Customer Service and Sales, with copies of all pleadings, notices, orders, briefs, and opinions filed in the appeal proceeding.

(A) The district manager must ensure that copies of all these documents are prominently displayed and available for public inspection in the post office

to be discontinued. If the operation of that post office has been suspended, the manager must display copies in the affected post offices.

(B) All documents except the Postal Rate Commission's final order and opinion must be displayed until the final order and opinion are issued. The final order and opinion must be displayed for 30 days.

(4) *Actions following appeal decision—*

(i) *Determination affirmed.* If the Commission dismisses the appeal or affirms the Postal Service's determination, the official closing date of the office must be published in the Postal Bulletin, effective the first Saturday 90 days after the Commission renders its opinion, if not previously implemented under § 241.3(g)(3)(i). However, the post office may not be discontinued sooner than 60 days after the posting of the notice required under § 241.3(g)(1).

(ii) *Determination returned for further consideration.* If the Commission returns the matter for further consideration, the chief marketing officer/senior vice president must direct that either (A) notice be provided under § 241.3(f)(3) that the proposed discontinuance is determined not to be warranted or (B) the matter be returned to an appropriate stage under these regulations for further consideration following such instructions as the chief marketing officer/senior vice president may provide.

[59 FR 29725, June 9, 1994, as amended at 60 FR 32273, June 21, 1995]

§ 241.4 Expansion, relocation, and construction of post offices

(a) *Application.* (1) This section applies when the Postal Service contemplates any one of the following projects that provides retail services to customers: expansion, relocation to another existing building, or new construction, except when the project is to meet an emergency requirement or is for temporary use.

(2) This section does not apply when the project under consideration is limited to repair and alterations, such as:

- (i) Painting, no matter how extensive;
- (ii) Repairs, no matter how extensive;
- (iii) Replacement or upgrade of structural or functional elements of a postal

building or of its equipment, no matter how extensive the work;

(iv) Paving, striping, or other repair of parking areas;

(v) Landscaping.

(b) *Purpose.* The purpose of the procedures required by this section is to ensure increased opportunities for members of the communities who may be affected by certain Postal Service facility projects, along with local officials, to convey their views concerning the contemplated project and have them considered prior to any final decision to expand, relocate to another existing building, or construct a new building.

(c) *Expansion, relocation, new construction.* When an expansion, relocation, or new construction of a retail facility (whether leased or owned) is planned, postal representatives responsible for the project will take the following steps in accordance with the time schedule shown:

(1) Personally visit one or more of the highest ranking local public officials (generally, individuals holding elective office) at least 45 days before any public advertising. During the visit, the postal representatives will:

(i) Describe the project fully, explain the process by which the Postal Service will solicit and consider input from the affected community, and solicit a working partnership with the community officials for the success of the project.

(ii) Emphasize that in meeting a need for increased space, the first priority is to expand the existing facility, the second priority is to find an existing building in the same area as the current facility, and the third option is to build on a new site that will be either owned or leased.

(iii) Ask that a Postal Service presentation of the project be placed on the regular agenda of a public meeting or hearing. If no such meeting is planned within the next 60 days or the agenda of a planned meeting cannot accommodate the project, the Postal Service will schedule a public hearing concerning the project and will advertise the hearing in a local general circulation newspaper.

(iv) Give the local officials a letter describing the intended project.

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(2) Notify the lessor of the affected facility in writing.

(3) Send an initial appropriate press release to local news media.

(4) Except as provided herein, attend or conduct one or more public hearings to describe the project to the community, invite questions, solicit written comment, and describe the process by which community input will be considered. If it is known at the time that the existing facility is not able to be expanded or that expansion is impracticable, that fact will be disclosed and the project file documented as to the reasons expansion is not possible or practical. Exception: If circumstances prevent postal representatives from attending or conducting a public meeting or hearing on the planned project within a reasonable time, the Postal Service must distribute a notification card to all affected customers, seeking their comment or other feedback. In addition, if the decision is to distribute notification cards, the project file must document the circumstances that prevented postal representatives from conducting or attending a public hearing or meeting within a reasonable time; in no event shall a lack of public interest or objection constitute a qualifying circumstance.

(5) Review comments and notify local officials of decision. After the date of the most recent public meeting or the date of distribution of notification cards, make a decision (e.g., relocation to another building, new construction, or expansion of the existing facility) that takes into account community input and is consistent with prudent business practices and postal objectives, and notify local officials in writing. Take no action on the decision for at least 15 days following notification of local officials.

(6) Advertise for sites and existing buildings, in accordance with the decision.

(d) *New site or existing buildings—historic preservation.* (1) It is the policy of the Postal Service, by virtue of Board of Governors Resolution No. 82-7, to comply with Section 106 of the general provisions of the National Historic Preservation Act, (16 U.S.C. 470 *et seq.*), Executive Order 13006, and, through it, Executive Order 12072. Therefore, when

the decision is to relocate to another existing building, that building will be selected in accordance with Section 106 of the National Historic Preservation Act and applicable provisions of the executive orders identified above.

(2) When the decision is to advertise for sites and existing buildings, once such sites have been identified, advise local officials of all contending sites and with respect to all sites not selected, provide an explanation.

(3) Once a site or existing building has been selected, notify local officials of the selection decision.

(4) Take no final action to acquire or lease the new location for 15 days.

(e) *Planning, zoning, building codes.* It is the policy of the Postal Service to comply with local planning and zoning requirements and building codes to the maximum extent feasible consistent with postal needs and objectives. To promote a partnership with local officials and ensure conformance with local building codes, plans and drawings will be sent to appropriate building department or other officials for review. The Postal Service will give local public officials written notice of any timely, written objections or recommendations that it does not plan to adopt or implement.

(f) *Continuing communication.* During construction, whether renovation or new construction, the postmaster will keep local officials and the community informed via letters and news releases. The postmaster and other postal officials will plan, conduct, and invite the community and local officials to any “grand opening.”

[63 FR 25166, May 7, 1998]

PART 242—CHANGE OF SITE

§ 242.2 Change of site—fourth-class offices.

Report by memorandum to chief, organization and management branch, when change in site is necessary. Complete Form 1021 when furnished. Retain one copy in files. If new location is one-fourth of a mile or more from existing location, furnish a statement signed by majority of customers approving